

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>RE:</b>	)	
	)	<b>Bankruptcy No. 17-70045-JAD</b>
	)	
<b>MICHAEL DAVID SCOTT,</b>	)	<b>Chapter 7</b>
<b>Debtor.</b>	)	
_____	<b>X</b>	
	)	
	)	<b>Doc. No.</b>
	)	
<b>THE BANK OF NEW YORK</b>	)	<b>Related to Doc. Nos. 220, 377</b>
<b>MELLON TRUST COMPANY,</b>	)	
<b>N.A., AS SUCCESSOR-IN-</b>	)	
<b>INTEREST TO ALL PERMITTED</b>	)	
<b>SUCCESSORS AND ASSIGNS OF</b>	)	
<b>JPMORGAN CHASE BANK N.A.</b>	)	
<b>AS TRUSTEE, FOR</b>	)	
<b>CERTIFICATEHOLDERS OF</b>	)	
<b>NOMURA ASSET ACCEPTANCE</b>	)	
<b>CORPORATION, MORTGAGE</b>	)	
<b>PASS-THROUGH</b>	)	
<b>CERTIFICATES, SERIES 2005-</b>	)	
<b>AR2,</b>	)	
	)	
<b>Movant,</b>	)	
	)	
<b>-vs-</b>	)	
	)	
<b>MICHAEL DAVID SCOTT, aka</b>	)	
<b>THE CRAWFORD GROUP LLC</b>	)	
<b>aka MACAUALY FAMILY</b>	)	
<b>REALTY TRUST,</b>	)	
	)	
<b>AND</b>	)	
	)	
<b>JAMES R. WALSH, ESQUIRE</b>	)	
<b>(TRUSTEE),</b>	)	
	)	
<b>Respondents.</b>	)	
_____	<b>X</b>	

**AMENDED ORDER SCHEDULING EVIDENTIARY HEARING**

**AND NOW**, this Court having received the Debtor's *Motion to Amend Order Dated September 5, 2017*, (ECF No. 437), enters an order contemporaneously herewith setting said motion for hearing on December 15, 2017. Accordingly, the dates previously set for the evidentiary hearing on the Motion for Relief (ECF No. 377), must be modified. Therefore,

**IT IS HEREBY ORDERED** that an evidentiary hearing is scheduled for **11:00 A.M., Thursday, January 25, 2018**, in **Courtroom B**, First Floor, Penn Traffic Building, 319 Washington Street, Johnstown, PA 15901. Only two (2) hours is allotted for this Evidentiary Hearing.

The two matters subject to trial at the Evidentiary Hearing are as follows:

- (1) Is the Movant the holder of the Mortgage such that it is entitled to enforcement as Mortgagee under applicable Massachusetts Foreclosure Law?
- (2) Is the Movant the holder of the Note such that the Movant is entitled to enforcement of the Note under applicable Massachusetts Foreclosure Law?

All **exhibits** to be offered as evidence at the Evidentiary Hearing are to be submitted to the Court in a binder, with an index, and each exhibit separately marked and tabbed, and delivered to Judge Deller's Chambers, 54<sup>th</sup> Floor, USX Tower, Pittsburgh PA, 15219, prior to **January 9, 2018**, and contemporaneously served on the other parties to this matter.

The parties are to file a list of the witnesses they intend to call, which list must be filed with the Court prior to **January 16, 2018**, labeled as "Witness List

for Evidentiary Hearing Relating to Motion Filed at ECF No. 220,” and contemporaneously served on the other parties to this matter. Other than for the Debtor, **all counsel and witnesses must appear in person at the Evidentiary Hearing in Courtroom B, First Floor, Penn Traffic Building, 319 Washington Street, Johnstown, PA 15901. The Debtor shall appear by AUDIO\* conference.**

**IT IS SO ORDERED.**

**Date:** November 22, 2017

/s/ Jeffery A. Deller

**Jeffery A. Deller**

Chief, US Bankruptcy Judge

\*The Court was advised that video conferencing is not available to Mr. Scott, therefore the Order was revised to delete the reference of “Video” to “Audio.”

cc: **Case Administrator to Serve:**

**Michael David Scott**, via regular mail **and** via email, attention [khite@bop.gov](mailto:khite@bop.gov)

**Chapter 7 Trustee**

**James A. Protsko**, Esquire

FILED  
11/22/17 12:58 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

## Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
Michael David Scott  
DebtorCase No. 17-70045-JAD  
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: gamr  
Form ID: pdf900Page 1 of 2  
Total Noticed: 1

Date Rcvd: Nov 22, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 24, 2017.

db +Michael David Scott, 772 Saint Joseph St., c/o FCI Loretto, Loretto, PA 15940-7006

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 24, 2017

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 22, 2017 at the address(es) listed below:

Brett L. Messinger on behalf of Defendant US Bank National Association as Trustee  
blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Creditor US Bank National Association as Trustee for Credit Suisse First Boston Mortgage Securities Corp. Mortgage Backed Pass Through Certificates Series 2004-AR-7 and Ocwen Loan Servicing, LLC blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Defendant Ocwen Loan Servicing LLC  
blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Defendant U S Bank National Associates as Trustee For Credit Suisse First Boston Mortgage Securities Corp blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Creditor U.S. Bank, National Association as Trustee Under the Pooling and Servicing Agreement Dated as of May 1, 2006, GSAMP Trust 2006-HE3 Mortgage Pass-Through Certificates Series 2006-HE3 and Ocwen Loan Ser blmessinger@duanemorris.com, LMTryon@duanemorris.com

Denver E. Wharton on behalf of Creditor Khanda, LLC dew@ktwllaw.com, r42123@notify.bestcase.com

Heather A. Sprague on Behalf of the United States Trustee by on behalf of U.S. Trustee Office of the United States Trustee Heather.Sprague@usdoj.gov

James Warmbrodt on behalf of Creditor BANK OF AMERICA, N.A. bkgroup@kmlawgroup.com

James A. Prostko on behalf of Creditor U.S. Bank, National Association, as Trustee, et al... pawb@fedphe.com, james.prostko@phelanhallinan.com

James A. Prostko on behalf of Creditor The Bank Of New York Mellon Trust Company, N.A., et. al. pawb@fedphe.com, james.prostko@phelanhallinan.com

James A. Prostko on behalf of Attorney James A. Prostko pawb@fedphe.com, james.prostko@phelanhallinan.com

James R. Walsh jwalsh@spencecuster.com, trustee@spencecuster.com; kpetak@spencecuster.com; rsnyder@spencecuster.com; skosis@spencecuster.com; mskunta@spencecuster.com; jwalsh@ecf.epiqsystems.com; gbivens@spencecuster.com

James R. Walsh on behalf of Trustee James R. Walsh jwalsh@spencecuster.com, trustee@spencecuster.com; kpetak@spencecuster.com; rsnyder@spencecuster.com; skosis@spencecuster.com; mskunta@spencecuster.com; jwalsh@ecf.epiqsystems.com; gbivens@spencecuster.com

Jeremy J. Kobeski on behalf of Creditor The Bank Of New York Mellon Trust Company, N.A., et. al. pawb@fedphe.com

Jill Locnikar on behalf of Creditor United states of america jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov; deborah.verrilla@usdoj.gov; caseview.ecf@usdoj.gov

Jill Locnikar on behalf of Defendant United States Department of Justice, et al. jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov; deborah.verrilla@usdoj.gov; caseview.ecf@usdoj.gov

Jill Locnikar on behalf of Defendant U.S Department of Education jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov; deborah.verrilla@usdoj.gov; caseview.ecf@usdoj.gov

Jonathan W. Chatham on behalf of Creditor PA Dept of Revenue RA-occbankruptcy7@pa.gov

Jonathan W. Chatham on behalf of Attorney PA Dept of Revenue RA-occbankruptcy7@pa.gov

District/off: 0315-7

User: gamr  
Form ID: pdf900

Page 2 of 2  
Total Noticed: 1

Date Rcvd: Nov 22, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Kevin J. Petak on behalf of Trustee James R Walsh kpetak@spencecuster.com,  
mskunta@spencecuster.com/skosis@spencecuster.com/rsnyder@spencecuster.com/gbivens@spencecuster.com  
Kevin J. Petak on behalf of Interested Party James R Walsh kpetak@spencecuster.com,  
mskunta@spencecuster.com/skosis@spencecuster.com/rsnyder@spencecuster.com/gbivens@spencecuster.com  
Kevin J. Petak on behalf of Trustee James R. Walsh kpetak@spencecuster.com,  
mskunta@spencecuster.com/skosis@spencecuster.com/rsnyder@spencecuster.com/gbivens@spencecuster.com  
Kevin Scott Frankel on behalf of Defendant Korde & Associates P C pabk@logs.com  
Kristen D. Little on behalf of Defendant Korde & Associates P C pabk@logs.com  
Kunal Janak Choksi on behalf of Defendant Internal Revenue Service kunal.j.choksi@usdoj.gov  
Leonard P. Vigna on behalf of Creditor Tufts Investments, LLC lpv@ktwllaw.com,  
ams@ktwllaw.com/r42123@notify.bestcase.com  
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov  
Ronald E. Reitz on behalf of Creditor ROSE AKE rreitz@margolisedelstein.com  
Ronald E. Reitz on behalf of Plaintiff BONABERI CORPORATION rreitz@margolisedelstein.com  
Ronald E. Reitz on behalf of Creditor BONABERI CORPORATION rreitz@margolisedelstein.com  
Ronald E. Reitz on behalf of Plaintiff ROSE AKE rreitz@margolisedelstein.com  
Stephen G. Murphy on behalf of Defendant The Commonwealth of Massachusetts  
murphys@dor.state.ma.us  
Stephen G. Murphy on behalf of Creditor Massachusetts Department of Revenue  
murphys@dor.state.ma.us  
Stephen G. Murphy on behalf of Defendant Commonwealth of Massachusetts murphys@dor.state.ma.us  
William E. Miller on behalf of Defendant US Bank National Association as Trustee  
wmiller@sterneisenberg.com, bkecf@sterneisenberg.com  
William E. Miller on behalf of Creditor U.S. Bank, National Association As Trustee For et al.  
wmiller@sterneisenberg.com, bkecf@sterneisenberg.com  
William E. Miller on behalf of Creditor U.S. Bank, National Association as Trustee Under the  
Pooling and Servicing Agreement Dated as of May 1, 2006, GSAMP Trust 2006-HE3 Mortgage  
Pass-Trough Certificates Series 2006-HE3 C/O Phelan Hallinan wmiller@sterneisenberg.com,  
bkecf@sterneisenberg.com

TOTAL: 37